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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,739	12/03/2003	Siobhan Casey	C4275(C)	6809

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EXAMINER

DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,739

Applicant(s)

CASEY ET AL.

Examiner

Lorna M. Douyon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 8, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 15, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 15, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment filed on June 8, 2006.
2. Claims 1-11, 14-15, 20-21 are pending.
3. The objection to the disclosure on page 9, line 13 is withdrawn in view of Applicants' amendment.
4. The rejection of claim 10 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.
5. The rejection of claims 1-6, 12-14, 16-17 under 35 U.S.C. 102(b) as being anticipated by Steen et al. (US Patent No. 4,026,825) is withdrawn in view of Applicants' amendment.
6. The rejection of claims 1-7 and 12-13 under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US Patent No. 5,739,097) is withdrawn in view of Applicants' amendment.
7. The rejection of claims 1-13, 16, 18-19 and 21 under 35 U.S.C. 102(b) as being anticipated by Fues et al. (US Patent No. 5,536,430) is withdrawn in view of Applicants' amendment.

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8. The rejection of claims 1-7, 12-13, 16-18 and 20-21 under 35 U.S.C. 102(b) as being anticipated by Strickland, Jr. et al. (US Patent No. 4,874,536) is withdrawn in view of Applicants' amendment.
9. The rejection of claims 1-7, 12-16, 18-19 and 21 under 35 U.S.C. 102(b) as being anticipated by Emery et al. (WO 96/06916) is withdrawn in view of Applicants' amendment.
10. The rejection of claims 1-7, 12-18 and 21 under 35 U.S.C. 102(b) as being anticipated by Iding et al. (GB 2,142,341) is withdrawn in view of Applicants' amendment.
11. The rejection of claims 1-10, 12-16, 18-19 and 21 under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US Patent No. 5,516,447) is withdrawn in view of Applicants' amendment.
12. The rejection of claims 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over Bauer '447 as applied to the above claims, and further in view of Strickland is withdrawn in view of Applicants' amendment.
13. Claims 1-11, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fues et al. (US Patent No. 5,536,430) in view of Strickland, Jr. et al. (US Patent No. 4,874,536), hereinafter "Strickland".

Fues teaches, in Example 6, porous carrier beads (which are also considered as having an irregular shape) prepared from a mixture of 70:20:10 Sulfofon T55 (an anionic surfactant based

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on fatty alcohol sulfate): soda:Dehydol TA40 (which is a tallow alcohol ethoxylate, on average 40 EO) having an apparent density of 218 g/l (see col. 19, lines 10-15; col. 20, lines 21-23). Fues also teaches that the carrier beads have a microporous inner structure with anionic surfactant content in their uncharged state of at least about 50% by weight, the anionic surfactant content making up 70, 80 or even as much as 90 to 95% by weight of the carrier beads (see col. 10, lines 32-37). In special cases, it is even possible to form the porous carrier beads from the anionic surfactant without using any auxiliaries (see col. 12, lines 31-33). In Example 2, Fues also teaches a surfactant powder prepared by spray drying which comprises sodium salt of a C_{16/18} α -sulfofatty acid and polyethylene glycol, in a ratio by weight of the dry substances of 9:1 and the product has an apparent density of 290 g/l (see col. 17, lines 58-67). Fues also teaches that other useful materials and optional auxiliaries may be added to the carrier beads (see col. 13, lines 7-10). Fues, however, fails to disclose surfactant particles in flakes form and the process of converting the surfactant particles to a cohesive state by heating and/or mixing with a binder and allowing the resulting cohesive assembly of particles to form a solid body.

Strickland teaches a similar composition which is used in the preparation of bars and cakes for use in toilet bowls using surfactant flakes which comprises blending the flakes into a homogeneous mass with other raw materials such as perfumes, dyes (which both act as binders), etc., and noodled, plodded, extruded, cut or stamped to form uniform bars and cakes (see col. 5, line 63 to col. 6, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the surfactant beads or granules of Fues in flakes, bar or cake form because

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it is shown by Strickland that similar compositions can be formed in different forms such as flakes, bar or cake to perform a specific utility such as the use in toilet bowls.

14. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fues and Strickland as applied to the above claims, and further in view of Bauer '447.

Fues and Strickland teaches the features as described above. Fues and Strickland, however, fails to disclose the particle size of the carrier beads.

Bauer '447 teaches similar surfactant granules having a particle size distribution in which at most 5% by weight and preferably at most 3% by weight of the particles are larger than 2.5 mm in diameter and at most 5% by weight are below 0.1 mm in diameter (see col. 8, lines 38-44), for example, an average particle size of 800 microns (see Example 8, Table 2 under cols. 11-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the carrier beads of Fues and Strickland to have a particle size within those recited, say for example, 800 microns, because it is shown by Bauer '447 that a similar composition having similar bulk densities have similar particle sizes.

15. Claim 7 stands provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/726,738 for the reasons set forth in the previous office action.

Response to Arguments

16. Applicant's arguments filed June 8, 2006 have been fully considered but they are not persuasive.

With respect to the remaining rejection based upon Fues in view of Strickland, Applicants argue that claim 17 was not rejected over Fues and that the subject matter of claims 12-13 and 16-19 are incorporated into claim 1 which render moot the rejection over Fues.

Please note that in the previous office action dated March 8, 2006, claim 17 whose limitations are now incorporated into claim 1, was rejected over Fues in view of Strickland. Please see paragraph 13 of the office action. As stated in the previous office action, which is reiterated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the surfactant beads or granules of Fues in flakes, bar or cake form because it is shown by Strickland that similar compositions can be formed in different forms such as flakes, bar or cake to perform a specific utility such as the use in toilet bowls.

With respect to the provisional obviousness-type double patenting rejection over copending Application No. 10/726,738, Applicants agree to the filing of the Terminal Disclaimer upon an indication of allowable subject matter.

The provisional obviousness-type double patenting rejection is maintained until such time a timely Terminal Disclaimer is submitted.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner